



BOARD OF HEALTH MEETING

July 28, 2015 – 6:30 PM
Rockport Town Hall Annex

Present: Board members Dr. Sydney Wedmore-Chair, Dr. Russell Sandfield, Dr. Sydney Jimenez, Health Agent Leslie Whelan, Food Inspector Laura Osmond, and Secretary/Clerk Marianne Peters. Also present were Dan Ottenheimer of Mill River Consulting (representing client of 3 Old Penzance Road) and Tony Robbins, MD, MPA, Professor of Public Health from Tufts University School of Medicine.

6:30 PM: Meeting called to order.

Community Concerns:

None.

Minutes of June 23, 2015 meeting: Dr. Sandfield moved to approve; Dr. Wedmore seconded and it was voted unanimously to approve.

3 Old Penzance Road – Septic System Upgrade; Variance to Wetlands

Dan Ottenheimer of Mill River Consulting presented septic system design for existing 4-bedroom home. Due to constraints on property, a variance needed within 100' of wetlands. As an alternative system, the Waterloo Biofilter will need annual maintenance by licensed O&M provider and must be noted on deed. Dr. Wedmore moved to approve variance, Dr. Sandfield seconded and it was voted unanimously to approve.

Latex Balloons – Request to Consider Limiting Them in Businesses and the Business District:

Upon request of visitor to Bearskin Neck, the Board was asked to consider limitation or elimination of latex balloons from being distributed or used in the downtown area as many people have allergies to latex. After discussion and with input from Mr. Robbins, the Board explained that a latex allergy is principally a contact-type allergy and therefore, the need to eliminate or limit them would not be necessary.

DPW Commissioner Meeting Update – Spigot By-Pass and Trash Barrels:

Spigot: As a follow-up to the Board sending the DPW Commissioners a memo/information about the U.S. Public Health Service's new recommended levels of fluoride in the municipal drinking water, the Board attended the July 15, 2015 DPW Commissioners Meeting. The Commission estimated that it would cost \$20,000 to construct a fluoridation by-pass spigot.

There was discussion that the naturally occurring fluoride in the water is at 0.5 ppm, and with added fluoride, the finished water contains 0.7 ppm fluoride. The difference between pre- and post-fluoridation is only 0.2 ppm. Dr. Wedmore stated that the DPW Commission will come back with a plan and an estimate of the feasibility of providing the spigot.

Trash Barrels: The DPW agreed to empty the trash barrels in the downtown area twice daily from Memorial Day weekend to Columbus Day in an effort to reduce the trash overflow problem; this will be done in the mornings and the afternoons around 4:00 p.m.

Take-Out Food Establishment – Trash Barrel Requirements

Discussion about 30-gallon minimum trash barrel for take-out food establishments. The intent of the regulation is for foot traffic to deposit their take-out trash. Laura Osmond, Food Inspector, gave update on the food establishments that have complied with the regulations; most being fully compliant. One or two establishments would like to have a Town barrel placed in front of their establishment instead of providing one because of their location to the bus/trolley stops; people are disembarking the buses/trolleys and depositing all of their collective trash in the establishment's (Robin's Nest) barrel, making it difficult to keep it clean/emptied often; a Town barrel (which would get emptied twice daily) would be best and more fair to the establishment; several busloads of visitors daily disembark directly in front of their shop.

Dr. Wedmore stated there should be Town barrels at T-Wharf, Bradley Wharf, and at the turnaround near at the end of Bearskin Neck. Dr. Wedmore wants the 30-gallon minimum barrel to be part of their license stipulations; the paperwork will be changed to state that for any establishments that offer take-out. The Board discussed fining the establishments that are non-compliant. If, at the end of 10 days, they remain non-compliant (no barrel), the Board informed the Food Inspector to shut the establishment down. Those owners wishing to discuss/refute can do so at the next Board of Health meeting. However, Dr. Wedmore stated that a barrel would be needed to avoid a permit suspension prior to a Board of Health meeting.

It was determined that every take-out food establishment **MUST** provide their own barrel (even if Town barrel near as well) and it must be out by the front door (and additionally out back if the establishment wishes).

Lobster Pool Restaurant – Dumpster:

After meeting with the Board of Health last month regarding the Lobster Pool's dumpster being too close to abutter, the owners have moved the dumpster to a location that suits everyone (which is nearer the front entrance of the building) they have built a wooden fence around it which conceals it well.

Proper Disposal of Dog Waste – Newspaper Article and Neighbor Association Letter:

Administrative Assistant worked with reporter of the Gloucester Daily Times on publishing an article on the proper disposal of dog waste; article appeared on the front page in the newspaper and on-line edition. As well, letters will be going out to several neighborhood associations (South End, Old Garden Beach, Long Beach, and Andrews Point Associations) asking them to

pass the letter/information on to their respective members. The letter should go out before the fall per the Board.

Update/Sandy Bay Estates-Housing Violations:

Health Agent updated the Board on several new (and existing) violations that the owner has incurred. Several tenants and even employees/contractors of Sandy Bay Estates have reported health and housing violations; all report that the management of the property is unavailable, does not return calls, has not remediated any of the violations. Health Agent reports that they have incurred \$60,000 in fines due to violations. The owner has retained Attorney Kevin Kiely of Rockport/Gloucester to represent; Attorney Kiely would like to work out agreement with Board of Health to remediate. Dr. Wedmore and Dr. Sandfield inquired as to how any future violations will be incorporated in the agreement and to ensure that they do. Health Agent Leslie Whelan postponed the scheduled Probable Cause Hearing one week to work out agreement with Attorney Kiely. Dr. Wedmore and Board want to ensure that the fines are automatic and are enforced.

Environmental Tobacco Smoke Regulations:

There was discussion about e-cigarettes and the need for them to be considered and categorized as real tobacco cigarettes. The board voted to approve - and signed - the regulation that was drafted based on last meeting's checklist results. There was subsequent discussion about possibly amending regulations in one year to state no smoking or vaping on beaches at peak times (i.e. when the lifeguard is on duty).

Board Members' Stipends

Board Members have not received stipends for the past two years. Health Agent reported that their stipends are currently on hold as the Personnel Board is determining by which method they should be categorized and paid. In the past, they have been paid via check through Accounting; at some point, it was determined that they should rather be paid as employees and through the Town's Payroll system. By going through the employee/payroll method, the monies have been put in a retirement account and thereby subject to a \$25 annual fee which in the end negates the actual stipend. Dr. Wedmore instructed Health Agent to have Assistant Town Administrator Mitch Vieira update him via email the status.

Health Agent Update:

Housing: 12 Sheehan Terrace. Outstanding violations not remediated fully at present time. Board instructed Health Agent Leslie Whelan to impose the fines immediately.

Next Meeting Date:

Next meeting to be held on Tuesday, August 25, 2015. Agenda Prep meeting July 17th @ 8:30 a.m.

Dr. Jimenez moved to adjourn; Dr. Sandfield seconded; approved unanimously.

7:50 P.M. Meeting Adjourned.